

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**JOHN LOUIS MODER,**

**Plaintiff,**

**vs.**

**Case No. 08-cv-375-slc**

**THE L.E. MEYERS COMPANY,  
JEFFREY J. FERGUSON and  
JAMES M. OGDEN,**

**Defendants.**

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**ORDER**

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Plaintiff requests the clerk enter an entry of default pursuant to Fed. R. Civ. P. 55(b)(1). Defendant Ogden filed a notice of appearance on August 7, 2008 and filed joinder in Defendants Ferguson and L.E. Meyers Co. motion to dismiss the same day. Both filings from Defendant Ogden came prior to plaintiff's motion for entry of default filed on August 19. After careful review of the record, I conclude that Defendant Ogden has appeared before the court; therefore I deny Plaintiff's motion for entry of default.

Dated this 3<sup>rd</sup> day of September, 2008.

Joel W. Turner  
Acting Clerk of Court